

# MOUNTAIN ADVOCATE.

Entered as Second Class Matter Friday, February 19th, 1904 at the Postoffice at Barbourville, Knox County, Ky., under Act of Congress of March 3rd, 1879.  
MOTTO—LIVE FOR OUR FRIENDS—DO THE GREATEST AMOUNT OF GOOD WE CAN TO THE LARGEST NUMBER OF PEOPLE.

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BARBOURVILLE, KENTUCKY, FRIDAY, JANUARY 6, 1905.

First Year. Vol. 1. No. 47.

## POWERS' DECISION

### As it Appears to a Tennessee Lawyer.

We clip the following from the Knoxville Sentinel, written by Leonidas C. Houk, an able Knoxville lawyer and a member of the distinguished Ed Houk family of Tennessee, which we republish in full:

#### CALER POWERS' CASE.

Editor the Sentinel: The action of the Kentucky Court of Appeals in granting Caler Powers, under sentence of death for the alleged murder of William Goebel, a new trial will forever redound to the honor and glory of the proud old Commonwealth. It sheds lustre and renown upon Justices Barker and Settle, Democrats, and Barnum and O'Rear, Republicans, the majority of the court concurring in the opinion; and I have not words of condemnation for Justices Paynter, Hobson and Nunn, all Democrats, who dissented from the legal grounds upon which the opinion of the court was based.

The case was reversed solely and wholly upon legal grounds, errors of law and practice both, the merits and facts of the case not being discussed; this being the rule in all Appellate Courts that where there are substantial errors of law and practice, cases are reversed upon those grounds and the facts are not discussed, unless it is manifest that upon the facts as presented there is no case made out. But when a case is reversed upon law points and a new trial is to be had, upon the subsequent trial a very different case may be presented and proved.

It may be stated that this case has been reversed three times. Twice Powers was convicted of being an accessory before the fact to the assassination of Goebel, who was contesting Taylor's election as Governor before the Kentucky Legislature, and sentenced to life imprisonment. Both of these convictions were reversed by the Court of Appeals when that court was composed of a majority of Republicans. The third trial resulted in Powers' conviction and the imposition of the death penalty. This was in August, 1903. He again appealed, but this time to a Democratic court which in the meantime had changed its complexion, and there are now five Democrats and two Republicans composing it.

Jim Howard was also convicted twice of being the man who fired the fatal shot, and sentenced to life imprisonment, but an appeal to the court, while it had a majority of Republicans on it, both convictions were reversed. The third time he was convicted and again sentenced for life, and upon appeal to the present court last summer his case was affirmed. Many thought this presaged the affirmation by this court of the Powers case, but thanks to an honest court and an uncorrupted judiciary, their fears were unfounded. The names of the Judges, Democrat and Republican alike, who rendered this opinion will live, and deservedly so, as long as the law books of Kentucky are preserved and courts are in existence.

A singular coincidence has occurred in the event Powers is again tried and convicted. Judge Cantrell, who first tried Powers at Frankfort, has just been elected to the Appellate Court, and should Powers' case come before that court again, Cantrell could not sit upon the case, as he has already expressed the opinion overruling his motion for a new trial on his first conviction.

The majority opinion handed down by Justice Barker, and concurred in by Justices Settle, Barnum and O'Rear, is based mainly upon three grounds: first, because the trial

court erred in refusing to give the defendant time in which to discover and file additional grounds for a new trial; second, because the court pronounced sentence of death on the same day verdict returned in open court; and third, because T. C. Campbell, who assisted in the prosecution, stated as follows in his address to the jury: "Howard was not hung, but eleven of the twelve jurors who tried him were in favor of hanging him and one was for life imprisonment, and the eleven had to come to one."

Taking these reasons up in their reversed order, they are each and all sound and tenable and fully warranted the Appellate Court in reversing the case. First, Campbell's reference to the Howard case was highly objectionable, not germane, and had no relevancy to or connection with the Powers case. Thereafter, remarks were objected to at the time, and Powers' counsel asked the court to withdraw them from the jury and this he declined to do. There was not, and could not have been legally, any evidence in the case warranting the obnoxious statement; it was a gratuitous declaration, without lawful foundation, in substance and effect conveying incompetent evidence to the jury.

Too many lawyers try to make up in their arguments testimony which they have failed to prove by any witness in the case, and this will not be tolerated in Kentucky any more than it will be in Tennessee, and scores of criminal, and even civil cases, have been reversed here and elsewhere because of improper remarks by counsel. Nobody knows what the effect of an improper and unfounded statement of the character indulged in by Campbell will have upon a jury; and where life is at stake, it will not be tolerated.

On the second ground of reversal: The criminal code of Kentucky says: "Upon verdicts of conviction in cases of felony, the court shall not pronounce judgment until two days after the judgment is rendered, unless the court be about to adjourn for the term." Commenting upon this reason for reversing the case I can do no better than quote the court itself: "Unless we are to hold that section 283 was enacted for no useful purpose, it contains a most solemn and vital right of the accused; its meaning is upon the surface; it requires no reflection to understand it; it was enacted for the express purpose of giving the accused time in which to show cause against the sentence about to be passed upon him. This trial was had during a special term of the court, and it cannot be said that within the meaning of the code the term was about to end, because, having been called for the purpose of this trial alone, it of necessity would not end until that was completed. The jury was through with their labors, and were finally discharged, and there were no other juries to be kept waiting by the delay asked for the accused. The right of a defendant to the two days elapsing after his conviction, and before the infliction of the judgment is fully recognized."

Powers claimed to have discovered new evidence, but was not then in a position to properly present it to the court. The court peremptorily denied this delay and right and immediately sentenced him. This was clearly reversible error.

The reasons assigned in the second ground practically cover the first ground upon which the case was reversed, to-wit: "On the same day upon which the verdict was rendered the applicant was required, over his protest, to file his motion and grounds for a new trial; they were required to be immediately argued by counsel, and were at once overruled by the court. At the time of filing his grounds and motions, the appellant asked for additional time

in which to file further grounds. This request was based upon the facts that his counsel had just finished a long and tedious trial, during which the sittings of the court had been held both day and night; that they were wearied by their prolonged labors, and that a few days' time would enable them to produce additional grounds which they did not then possess, in support of his motion." This reasonable request being denied him, was in itself reversible error.

The dissenting opinion of Justices Paynter, Hobson and Nunn sounds more like a specious, partisan argument than the utterance of grave, dignified justices of a supreme court. They take the position that Campbell's argument did not affect the material and substantial right of Powers and for that reason the case should not be reversed. How they can know that the argument had no effect I fail to see. It is not the actual effect the illegal argument has, but the probable or possible effect it may have. The substantial rights of the accused must not be jeopardized.

They further say that section 283 of the code does not apply in the case as the court had no other business and was about to adjourn. The fact is that special term of court is only "about to adjourn" when the specific business for which it was called is entirely completed, and was not true in this case, as the accused was entitled to reasonable time in which to formulate and present his grounds for new trial. This, in my opinion, was not given him.

These justices also held that the Appellate Court "has no jurisdiction to review the action of the trial court for errors occurring in the con-

sideration of motions for new trials." This, to my mind, is specious and refined reasoning, and are entirely groundless in a case involving life and death. Such a rule might be tolerated in cases involving only property rights, but not so in such cases as this.

(Continued on 4th page.)

## THE OPENING

### Of the Two Colleges on Last Monday Adds New Life to the Town.

Last Monday morning marked the opening again of both of the Colleges of our town.

Union College had closed the first term of the year before the holidays and on Monday again resumed her work with Prof. B. O. Lewis in charge of the Normal Department. This school has a brighter prospect before it than ever before.

At the same time the Barbourville Institute was opened according to previous announcement, with a strong corps of teachers present and a large enrollment considering the fact that this school has been standing idle until now.

Prof. R. E. Warren the newly elected President of this Institute is very enthusiastic in this his new field of labor and the friends and patrons of the school will have cause to be thankful that the Board of Education has been enabled to secure the services of such an able and compe-

tent man to take charge of this work.

Besides the interesting talks from Profs. Warren and Pope, the assembly was permitted to hear interesting talks from Judge J. H. Davis, Judge J. M. Gilbert, Rev. J. V. Daws, Mr. John A. Black, and Mr. John M. Tinsley, after which the enrollment of pupils was begun.

There were about 130 pupils enrolled at the Institute and about 200 at Union College, making in all about 330 students in the two schools on the opening day.

This field is abundantly large to support two good Colleges and we feel that one is a support and a stimulant to the other, and while we feel a deep interest in Union College, we also feel an interest in the Institute, and it is our fondest hope to see both of these institutions built up and made strong.

There is nothing that speaks better for our town than these two schools in active operation, training the young minds in the knowledge of education.

Knox county alone has sufficient children who should to-day be in school, to more than fill both of these schools and yet not enroll one fourth of the list.

We hope to see a feeling of good will exist between the two institutions, and both strive to give to the pupils entrusted to them the best possible advantage of an education, and may the time speedily come when they will both be equipped with large commodious boarding halls where they can accommodate those who wish to attend, and can furnish

board in connection with tuition at reasonable prices.

We wish for both of the schools of our town unlimited and unbounded success.

## CURFEW

### Shall Ring To-Night, by Order of City Council.

#### AN ORDINANCE.

Be it ordained by the Board of Council of the City of Barbourville, that any infant under the age of eighteen (18) years and over the age of seven (7) years, who shall be on the streets, public square, alleys and commons of said city between the hours of 8 o'clock p. m., and 4 o'clock a. m., except such infant be on business and acting under the direction of his father, mother or guardian, or unless such infant shall have a reasonable and proper excuse therefor he shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined not less than one dollar and not more than five dollars and the cost of the prosecution for each offence.

It shall be, and is hereby made, the duty of the Marshal of the City of Barbourville, to ring the Curfew Bell at the hour of 7:45 o'clock p. m., each evening, and to arrest all persons under the age of 18 years and over 7 years, who shall be found on the streets, alleys, public square or commons of the said city at or after the hour of 8 o'clock p. m.

This ordinance shall take effect from an after its publication.

H. C. COLE,

Attest: Mayor.  
THOS. D. TINSLEY, Clerk.

## BARBOURVILLE INSTITUTE,

### FIVE DEPARTMENTS

Will Open the First Monday in January, 1905.

Please Read what we can do for you and we will work on a guarantee that YOU GET WHAT YOU PAY FOR if you do your part.

### Collegiate Department,

Prof. R. E. Warren, Principal, late of Georgetown High School, and an honor graduate in the Classical Department of Kentucky State College.

### Normal Department,

Prof. R. L. Pope, Principal, graduate of Kentucky State College and afterwards a student in the University of Virginia. Sixteen years experience in Normal Teaching, Institute work, and six years Professor of Latin and Mathematics in Williamsburg Institute Business Department.

### BUSINESS DEPARTMENT,

Prof. Henry L. Pitman, Instructor, late of Minneapolis Business College will have charge again of this Department.

### Intermediate Department,

Prof. W. E. Faulkner, Assistant Principal of the Barbourville Graded School will be Instructor of this Department.

### Primary Department,

This Department will be under the skillful management of Mrs. J. V. Daws, which fact alone insures success in this Department.

Make it a point to enroll the First Day and you will be enabled to get recitations in any of the following classes:—Any class in regular Primary or Intermediate grades, any class in the Common School course, any class leading up to State Certificate or State Diploma, any class required in the A. B. or B. S. Course, and for the benefit of those who may be irregular or who wish special work, there will be classes in Typewriting, Book-keeping, Shorthand, Commercial Arithmetic, Latin, Greek, German, French, Spanish, General History, Literature, Trigonometry, Geometry, Surveying, Chemistry and Botany.

We cordially invite our patrons and friends to be present on the morning of the opening, January 2, 1905, and request that they continue to visit our class-rooms during the Winter and Spring terms so that they may see the nature of the work.

Board can be furnished to all applicants at the rate of \$2.00 per week. Tuition from \$1.00 to \$2.50 per month, according to grade. Normal Department \$2.00 per month.

Any information will be promptly given by addressing or calling on

R. L. POPE, A. B., Sec'y of the Faculty,  
BARBOURVILLE, KY.





## PERSONALS.

George R. Smith has moved into the Dishman flats. He came in from Hammond's fork.

Col. F. P. Best returned Wednesday morning from an extended visit to his family in New York.

Mr. L. G. Wesley, an old Union College student, arrived Saturday and matriculated Monday at the winter opening.

Miss Georgia Black returned Tuesday morning to Caldwell College, Danville, where she will graduate at the close of the present term.

Mr. J. J. Garren, of Saluda, N. C., who has been visiting his sister, Mrs. James T. Culton, during the holidays, returned home Monday.

Miss Jackson returned to her home near Richmond, Tuesday morning, after several days' pleasant visit to Misses Gertrude and George Black.

Miss Stratton arrived Thursday evening from Nicholasville, and will be with her parents, the Rev. and Mrs. Stratton, for the remainder of the winter.

Miss Ewell Black, of Madison county, who has been visiting the Misses Black here, left for London Tuesday morning, where she will visit for some days before returning home.

Thomas Gibson has closed out his store in the Sampson building, corner of Walnut and Knox streets, and has quit merchandising and accepted a position as pumper for an oil company.

Mr. Harry Beets, of Latonia, Ky., spent Christmas with Geo. Beddow and other friends here. He returned home Tuesday. The fair sex are wondering what has happened since Mr. Beets and George Beddow left the city. It seems to be blank to them.

Messrs. George Beddow, Ed Gilbert, E. V. Sanders and J. T. Bruce, representatives of the Fidelity Portrait Company of Chicago, spent the holidays in this city with relatives and friends. They left Sunday to join their field manager and enter into their work for the coming year. We wish them a prosperous New Year.

## LOCALS.

Write it 1905.

Port Arthur has surrendered.

We are having a taste of real winter this week.

Don't break your New Year's resolutions, if they were good ones.

The greatest offer ever made—two papers for the price of one.

See our free offer to all new subscribers or old ones who renew.

Don't wait until it's too late to get the Agriculturist free. Subscribe now.

Now is the time to subscribe, as you get two papers for the price of one.

A little ad in the ADVOCATE may bring big results. Try it and be convinced.

We have experienced some real winter days this week. Tuesday the snow fell almost all day.

Quite a number of the younger set watched the old year out at the residence of Mr. and Mrs. Barber.

Farmers, here is your chance. Subscribe for the ADVOCATE and secure the Southern Agriculturist FREE.

Lost—Knights of Pythias Watch Charm with letters F. C. B. Return to J. R. Smyth and receive reward.

The four months old babe of Mr. Murphy Cannon died last Monday morning, and was buried at the Cannon graveyard.

F. D. Sampson will begin the erection of a new brick building on the site of his present office with the opening of spring.

J. M. Tinsley contemplates building a large two-story business on his lot near the Presbyterian church as soon as spring opens.

Misses Gertrude and George Black delightfully entertained a number of friends last Friday evening in honor of their visitor, Miss Jackson.

Rev. T. B. Stratton is preaching a series of sermons every Sunday morning, which are proving very interesting. Come and hear him.

The first quarterly meeting was held at the M. E. church last Sunday. Rev. E. B. Hill preached at night, and the sacrament of the Lord's Supper was given.

Judge J. D. Main is able to be out again after some days confinement with a severe attack of tonsillitis. Dr. Burnside attended him and soon brought him around all right, although he had a very serious attack.

The children of the Presbyterian Sunday-school, at the request of a number of friends, who failed to see the first performance, gave another presentation of the Christmas eve performance Friday evening to a fine sized audience.

Mr. R. P. Black has purchased from the National Supply people the supply house which they formerly owned, and also a tract of land surrounding same, comprising a few acres. He also gets the switch which leads to the house.

The Ladies' Aid Society of the M. E. church have procured a nice line of Union College pins and Union College pillows, and have placed them on sale at Johnson & Faulkner's store. They are beauties. Everybody should have one.

We will give to every subscriber to the MOUNTAIN ADVOCATE a handsome imitation oil painting of our President and Vice President, size 10x14. These are very attractive and can hardly be told from the real oil work. Remember these are only to new subscribers. Come quick, before they are all out.

The best gift to a son or daughter is a course of book-keeping, shorthand, typewriting or telegraphy under Prof. Smith who is serving his 28th year as President of the famous Commercial College of Kentucky University. He refers to thousands of successful graduates all over America. For particulars address, Wilbur R. Smith, Lexington, Ky.

A daily paper for \$1.00 a year is something the public has long desired. The Chicago Daily Review, a delightful family daily giving all important news, market reports and many interesting departments for men, women and children, is sent to subscribers for \$1 a year, 75 cents for 6 months, 50 cents for 3 months. Subscribe today, address, The Chicago Review Co., 399 Coca-Cola Building, Chicago, Ill. 3-17-5

Miss Eva Shively, who is home from Loreto for the holidays, delightfully entertained a number of friends Monday evening at an informal dance at the residence of her parents, Mr. and Mrs. Hughes, on High street. The music was all that could be desired and a very pleasant time was experienced by all present. At 10 o'clock an elegant luncheon was served, the dining-room being beautifully decorated in evergreen, with various colored candles on the table. Those present were:

Misses. Messrs.  
Jessie Dickinson, George Tinsley,  
Mayo Tinsley, Ben Dishman,  
Georgia Black, Wm. Dishman,  
Gertrude Black, T. D. Tinsley,  
Miss Jackson, W. S. Hudson,  
of Richmond, V. V. Anderson,

Miss Lois also entertained a number of her small friends. Card games enlivened the occasion.

## HUNTERS

Learn to Trap Fox, Coon and Mink. Four thousand foxes already trapped with my method; make \$10 daily. I teach you how to trap on land, snow and water. Write for terms, enclosing stamp, to FRANK WARTZ, Trapper, 91 W. Madison St., Chicago, Ill.

Crude Thoughts as they Fall from the Editorial Pen. Pleasant Evening Reveries.

## THE HOME CIRCLE COLUMN.

A Column Dedicated to Tired Mothers as they Join the Home Circle at Evening Tide.

The past year's work is done  
And Time has turned the page;  
Our record there, for good or ill,  
Must stand for endless age.

But let the past be gone—  
Save for its lessons true—  
And nerve the heart and hand afresh  
To the work that's left for you.

May God who knoweth all  
And grants his children grace,  
Send to our work and happiness  
And strength to turn your race.

THE time of year has again come when many make new resolutions and resolve to quit their bad traits and live better lives. This is very commendable and the proper thing to do, but why wait until the new year? When one realizes that they are doing a wrong then is the time to stop and there make their resolutions to leave off, no matter what season of the year it may be.

MANY were the glad hearts of the little folks who awakened on Christmas morning to find that they had been remembered by the children's Santa Claus. How their little hearts bounded with joy at the sight of the toys and sweet-meats. These are the happiest days of life and should be encouraged as long as it is possible.

DID you remember that dear old gray-haired father and mother with a Christmas box? If you did you touched a tender chord in their bosom. We had the pleasure of speaking to a good old lady since the holidays, who said: "Yes, my baby boy always remembers me, bless his dear heart; he is the best boy that ever lived, he never forgets his old mother." And as she spoke her eyes beamed with joy and her bosom heaved with emotion as her thoughts went out to that strong young man who has gone out into the world and has a wife of his own, but to the good old lady he is still a "darling baby boy."

The prayers of that mother will ever follow the child who at the season of giving and receiving gifts remembers the father and mother at the old home fireside and shows their devotion by a pleasant remembrance.

THE great and noble characters of the world, the men in all ages who have been admired and loved, have been the generous men. The slanned, and hated, and despised creatures of the human race have

always been the misers, the stingy, grasping, hoarding, pinching wretches who value money above human souls, and hugged their wealth in the face of misery. The world rejoices when such men die, but it follows the generous man to his grave with tears of real sorrow.

## THE FIRST CHRISTMAS GIFT.

We may not be able to comprehend or understand the height and depth of the great place which came forth from the mind of the Infinite which comprehended the redemption of the entire human family, but we find in the inspired word this passage of unmistakable import: "For God so loved the world that he gave his only begotten son, that whosoever believeth on Him should not perish, but have everlasting life."

In this word we find an epitome of the Divine plan. The motive and the reason are both set forth, and while we may marvel over what was comprehended in that plan we accept it as a great truth and know that the emerging of the world from darkness into light dates from the hour when the Star of Bethlehem flashed across the Judean sky.

Jesus was therefore God's first Christmas gift to a sad and weary world. No wonder that Heaven's joy bells rang! No wonder that the gates of Paradise seemed to open while angels looked down upon the scene.

In that hour was born the Spirit of cheer, peace on earth, and good will toward men, which has never died out during all the nineteen centuries which have passed.

There have been times when its splendor has seemed dimmed and when men appear to forget the sentiments of that first Christmas message, but on Christmas day itself, who is it who do not enjoy an imaginary journey with the wise men of the East, to that humble manger which the Christ-child had made holy with his presence.

Christmas giving has long been and will probably continue a chief characteristic of the day's observance. By such means do love and friendship find happy expression. But with it all let us not forget the first great Christmas gift which came from the Father of Light with whom there is neither variableness nor shadow of turning—a gift which is ours not only for all the time but for all eternity as well.

## BIRTHS.

Last Friday, to the wife of J. E. Byrley, a girl.

Last Tuesday morning, to the wife of L. W. Farmer, a 12 pound boy.

## TO CURE A COLD IN ONE DAY.

Take LAXATIVE BROMO QUININE Tablets. All druggists refund the money if it fails to cure. E. W. Grove's signature is on each box. 25 cents.

25¢  
A COPY  
\$2.50  
A YEAR

THE AMERICAN MONTHLY REVIEW OF REVIEWS

The more Magazines there are, the more Indispensable is The Review of Reviews

"Indispensable." "The one magazine I feel I must take." "The world under a field-glass." "An education in public affairs and current literature."—these are some of the phrases our hosts from abroad people who read the Review of Reviews. The more magazines there are, the more necessary is the Review of Reviews, because it brings together the best that is in all the most important monthlies of the world. Such is the flood of periodical literature that nowadays people say that the only way to keep up with it is to read the Review of Reviews. Entirely over and above this reviewing service, it has more original matter and illustrations than most magazines, and the most timely and important articles printed in any weekly.

Probably the most useful section of all is Dr. Albert Shaw's illustrated "Progress of the World," where public events and issues are authoritatively and lucidly explained in every issue. Many a subscriber writes, "This department alone is worth more than the price of the magazine." The unique cartoon department, depicting current history in caricature, is another favorite. The Review of Reviews covers five continents, and yet is American, first and foremost.

Men in public life, the members of Congress, professional men, and the great captains of industry who must keep "up with the times,"—statesmen and women all over America, have decided that it is "indispensable."

THE REVIEW OF REVIEWS COMPANY  
15 Astor Place, New York

## NEW YEAR'S GREETING.

Best Pineapple Chunks.....	15cents.
3 cans Sugar Corn for.....	25 "
3 cans three lb. best Tomatoes for.....	25 "
3 lb. can yellow Tale Peaches for.....	15 "
3 lb. can Yellow Pie Peaches.....	12 1/2 "
3 lb. can California Peaches.....	20 "
3 cans Lye Hominy for.....	25 "
Raspberries, two lb. cans.....	10 "
Strawberries, two lb. cans.....	10 "
Red Cherries, two lb. cans.....	10 "
Good fresh Crackers per lb.....	7 1/2 "
Good White Country Beans per lb.....	04 "
Good Colored Country Beans per lb.....	04 "
10 packages Bonnie Oats for.....	25 "
3 packages Victor Oats for.....	25 "
6 Bars Big Deal Soap for.....	25 "
6 Bars Swift's Pride Soap for.....	25 "
12 Bars Ark Soap for.....	25 "
Bottled Pickles full pints.....	10 "
Old Gold Collar pads 12 inch.....	25 "
Good Eight Day Clocks.....	\$2.00
Extra fine Parlor Lamps.....	\$1.50
Fine parlor Lamps.....	99 cents.
Good Table Glasses per set.....	15 "
Good dirt Shovels.....	45 "
Best all Steel Spades.....	50 "
Best 10 quart Galvanized Buckets.....	15 "
Good Grindstones.....	80 "
Best Shaker Brooms.....	25 "
Good Brooms.....	15 "
No. 0 Steel traps.....	10 "
No. 1 Steel traps.....	15 "
No. 1 1/2 Steel traps.....	20 "
No. 2 Double spring traps.....	25 "
Rodgers 12 dw. Silver Knives and Fork per set.....	\$3.50
Best 1 1/4 inch double hip-strap harness.....	\$5.00
Good Harness.....	\$2.50
Club loaded Shells.....	40 cents.
Rival loaded Shells.....	40 "
Club Shells, Smokeless Powder.....	55 "
Rival Shells, Smokeless Powder.....	55 "

See Cole for Paints, Oils, Varnishes, Window-Glass, Putty, Granitware, Tinware, China and Queensware, and all kinds of Hardware and Groceries.

Wishing one and all a happy and prosperous New Year, I am your friend,

**R. W. COLE.**



Geo. W. Tye,  
LIVERY.

The Only First-Class Livery in Town

East Side Public Square, Harboursville, Kentucky

## CORRESPONDENCE.

### NOTICE TO CORRESPONDENTS.

All correspondents who write for this paper are requested to report the news briefly and confine themselves to news. Puffs for merchants come under the head of paid locals, and would be inserted at the rate of 5 cents per line, otherwise we must pencil them.

Be careful not to write anything that will prove offensive to any one; a good joke is appreciated by all, but we want to make friends and not enemies of all with whom we come in contact.

Write on only one side of your paper and be sure to sign your own name to the manuscript—not for publication but for future reference and to show good faith—a failure to do this will hereafter necessarily consign your letters to the waste basket.

Please read these notes and leave them in mind, and write on one side of the paper only.

Respectfully,  
THE EDITOR.

### Hopper.

We are experiencing a real cold blizzard—snow and sleet.

The wind has been blowing at a terrible rate for thirty-six hours.

Subscribe for the Mountain Advocate if you want to hear the news.

The school teachers all seem to be in good spirits since they received their 33½ cent draw.

SWEET VIOLET.

### Ola, Ky.

G. W. Jenkins, candidate for jailer, is leading the race by far. He is out among the boys every day, and is meeting with success on every turn. Boys, we could do no better than to have Jenkins for our next jailer.

The writer had a very pleasant time visiting among friends at this place last week. I spent Christmas night at Mr. Polly's, Saturday night at Mr. Fugate's and Miss Ritter Polly and myself spent Sunday on Bottom Fork.

From every little humble home one can hear the name of Sergeant, Blair, Yantz and Craft resounding, which signifies that these four men are winners in the coming primary. The latter is a young man that certainly deserves the support of one and all. He is a poor boy that has made his own way in life, and we believe he will win the race.

The Interstate railroad is to be extended from Appalachia, Va., via Kelly View to Norton, Va., twelve miles, penetrating a section rich in coal and minerals. Work will be commenced at once.

J. M. Yantz, our leading candidate for Superintendent, has made a thorough canvass of this precinct, and we are pleased to say that the great mass of respected citizens are doing their utmost to give him a clean sweep here. We only know of two votes he will lose in this precinct.

We are experiencing a real blizzard, snow and sleet. The wind was blowing at a terrible rate for twenty-four hours.

Many candidates are defeated and a few have been successful, and we trust those nominated are all good men and well qualified to fill the offices to which they aspire. Men who stand for the right, men who are true and upright and will not waver.

The boys of Ola say they would like to correspond with some of the Advocate readers.

Our "hello girl," Miss Mary Craft, of Whitesburg, was united in the holy bonds of matrimony last Saturday evening to Mr. Lafayette Banks, of Whitesburg, the Rev. Craft officiating. The wedding was very quiet, and took place in the parlor of the bride's home, and only a few of their immediate friends were present. We join the Advocate in wishing the happy couple a long and prosperous life. We hope to retain Mrs. Banks as "hello girl," at least for a while, in the exchange, as she for so long been so courteous and prompt at her post of duty. The

patrons would miss her valuable services. May the good things of this glorious universe be at their disposal through life.

DEBRIS.

### State News.

Owen McIntyre will launch an afternoon daily in Frankfort.

The jury in the Mulligan poisoning case at Lexington disagreed and a new jury will hear the testimony.

Clarence Hathaway, colored, was hanged at Winchester last Tuesday morning for the murder of his sweet-heart, one year ago.

Witnesses for the plaintiff in the Marcum damage suit have again returned home from Ohio since the case has been concluded.

News comes from Frankfort that the Governor will call an extra session of the Legislature to meet about January 16 to consider a new site for the capitol building.

It is denied that the meeting of the Capital Commission was held at Frankfort Wednesday to consider Capital Commission matters, but referred only to matters in the Board of Sinking Fund Commission.

Fire at Bardstown Tuesday night destroyed the plant of the Record newspaper, and also a large tenement house, entailing a loss of about \$10,000. The fire originated shortly after midnight by the explosion of a can of gasoline.

### New-Business Firm.

Max Reigens, of Crab Orchard, has rented the store room of C. N. Sampson, recently vacated by Thos. Gibson, and will open a new clothing store at an early date. He expects to be ready to begin business by the first of February.

The Democratic party is a thing of the past; Socialism is a great world wide movement. There are eight million Socialists in the world. The Socialists increased in the United States from \$7,000 in 1900 to a half million in 1904.

To advance the cause of Socialism, I will pay your subscription to a Socialist weekly paper for three months if you will send me your name and postoffice address.

ALEX. T. WILSON,  
Barbourville, Ky.

### POPE—MOORE.

At Pineville, Monday night, Mr. Fielding Moore and Miss Nannie Pope, of this place, were united in marriage, the Rev. C. K. Dickey, of the Methodist church, performing the ceremony. The wedding was a quiet affair, and was known only to a few intimate friends, coming in the nature of a surprise to their many friends.

Mr. Moore is a popular merchant of this place, while Mrs. Moore was one of the county's most popular school teachers.

They have taken up their residence in the Jim Miller property, on Main street.

### Commissioner's Sale.

KNOX CIRCUIT COURT.

Daniel Hocker & Co. vs. Carl Cooper. Judgment.

Under judgment of the Knox Circuit Court in the action of Daniel Hocker & Co., against Carl Cooper, I will on Saturday, the 14, day of January, 1905, at about the hour of one o'clock, p. m., sell at the door of the Court House in Barbourville, Ky. on a credit of three months, about 22,000 feet of Oak lumber on the rail road at the Barbourville depot, and about 19,000 feet of Oak lumber on the mill yard on Bull creek, in Knox county, or a sufficiency of same will be sold to raise the sum of \$296.30 and the cost of this action amounting to \$— the purchaser will give bond with approved security bearing interest from date and having the force and effect of a judgment.

This December 30, 1904.

W. F. WESTERFIELD;

Com. K. C. C.

### POWERS' DECISION.

(Continued from First Page.)

Perhaps the most interesting, if not as important as the reversal of the case, matter connected with the whole case, is the opinion handed down by Justice Barker, Democrat, that there is a Federal question in this case, to-wit: "That under the Federal constitution the accused had not had the equal protection of the laws." This was in connection with the summoning of the jurymen, wherein Powers made affidavit that the sheriff had purposely passed by competent Republicans and summoned only "Göbel Democrats" for jury service, basing this objection to the panel on the fourteenth amendment of the constitution of the United States, to-wit: "Nor shall any State deny to any person within its jurisdiction the equal protection of the laws."

Judge Barker says: "In conclusion I am of opinion that the trial judge should have passed upon the question of fact presented by the appellant as to the summoning of the jurors, and if there was even a well grounded suspicion that unfairness had prevailed the jury should have been discharged and others summoned under such safeguards as must preclude indulgence in partisan seams."

This seems to me conclusive and sufficient, and nothing can be added there to.

God bless old Kentucky and her judiciary. All honor and credit to them. Justice prevails there, in the end, as elsewhere, and the foundations of her "temples of justice" are secure.

L. C. HOOK.

### A Guaranteed Cure for Piles.

Itching, Blind, Bleeding or Protruding Piles. Druggists refund money if PAIN OINTMENT fails to cure any case, no matter of how long standing in 6 to 14 days. First application gives ease and rest. 50 cents. If your druggist hasn't it send 50 cents in stamps and it will be forwarded postpaid by Paris Medicine Co., St. Louis, Mo.

### Council Meeting.

Last Monday night was the regular monthly meeting of the City Council, and in the absence of the City Clerk, W. W. Tinsley, acted as clerk of the meeting.

The regular routine of business was taken up in its order and acted upon. The franchise sale for a water-works system was not taken up, as the City Clerk was absent, and no one present to report the sale, the matter went over until the next meeting.

A Curfew Ordinance was introduced and passed and ordered published, and the same will be found elsewhere in this issue.

The Town Marshal was instructed to proceed at once to collect all taxes due the city and to levy and sell in order to secure the taxes.

### WANTED.

MEN and WOMEN in this county and adjoining territories, to represent and advertise an old established house of solid financial standing. Salary to men \$21 weekly, to women \$12 to \$18 weekly with expenses advanced each Monday by check, direct from headquarters. Horse and buggy furnished when necessary; position permanent. Address Blew Bros. & Co., Dept. 4, Monon Bldg., Chicago, Ill.

### LISTEN!

I am preparing to make an invoice of my immense stock of goods, and in order to reduce the labor, I will sell all my remnants now in stock at and below cost.

Cash is much easier to invoice than piece goods remnants, etc., in all the different lines in general merchandise, therefore, I offer to give you the advantage of this GREAT SLATGHTER PRICE SALE for the next few days.

Call early and get choice before the goods are picked over.

L. H. JARVIS.

WANTED—quickly, few persons to represent long established wholesale house among retail merchants and agents. Local territory of few counties, \$15 salary and expenses paid weekly. Expense money advanced. Commission extra. Permanent engagement. Business successful. Previous experience not essential. Enclose self addressed envelope. Address: SUPERINTENDENT TRADING, 25 Dearborn St., Chicago.

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M. G. HIGNITE,

LAWYER.

Supt. of Public Schools, Office in Court-house.  
BARBOURVILLE, KY.

S. B. DISHMAN,

LAWYER.

BARBOURVILLE, KY.

THOS. D. TINSLEY,

ATTORNEY-AT-LAW.

Office on Public Square. Notary in Office. PHONE 101.

FLEM D. SAMPSON,

LAWYER.

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BARBOURVILLE, KY.

J. D. TUGGLE,

LAWYER.

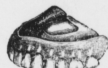
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